

### REMARKS/ARGUMENTS

Claim 23 stands rejected as either anticipated or rendered obvious by Rough '138. However, it is noted that the methods steps set forth in Claim 23 are the same as the method steps of allowed Claim 21. Clearly, the method steps set forth in Claim 23 are patentable over the prior art although the Examiner states that the differences in the respective products of Claim 23 and Rough '138 would be obvious.

The Examiner carries the burden of setting forth a *prima facie* case of non-obviousness which is not done by merely stating that any differences in the two products would have been obvious. As set forth at several points throughout the specification of the present application, the product produced by the novel process has high transmission characteristics in the UV range. The process is distinguished from the process of Rough '138 in that a well-homogenized mixture of the glass raw materials that are to be melted is fed into the tank in such a manner that a **closed mixture cover** arises on the melt surface and the mixture resting on the melt surface is uniformly intermixed and sub-mixed into the melt. This process leads to a glass product that has much improved UV transmission properties as disclosed in paragraphs 14, 16, 25 and 27, for example, in the present specification. Accordingly, it is submitted that Claim 23 and the claims dependent thereon are not rendered obvious by Rough '138.

With regard to independent method Claim 24 and independent article Claim 34, the method steps thereof are neither disclosed by nor rendered obvious by Rough '138. In fact, the teaching of Rough '138 would lead one of ordinary skill in the art away from the present invention because Rough '138 provides a method for rapidly melting the glass materials and to mix and melt the added batch materials rapidly by the combined action of the molten glass in the chamber and the stirring device. As shown in the drawings and described in the specification of Rough '138, the movement of the stirrer is designed to draw the newly added batch materials rapidly under the surface of existing molten glass to reduce the detrimental chilling effect that the cold batch has on the existing molten glass (column 4, lines 31-36 and column 4, line 64 - column 5, line 7). In other words, what is disclosed is a homogenized molten glass which is completely molten (column 5, lines 55-57).

In contrast, the method according to Claims 24 and 34 provides for two spatially separated phases of the glass material in that there is a closed mixture cover that arises on the melt surface. According to Rough '138, such a mixture cover is to be avoided because it is

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considered to have disadvantages (see column 1, lines 12-33). In order to prevent the formation of such a closed mixture cover the stirrer is rotated in such a manner that a concave surface or vortex is formed which causes a downward circulation in the molten glass. This is clearly set forth in the text and drawings of Rough '138.

One skilled in the art would never take the leap from the homogenous method described by Rough '138 to the inhomogeneous method of the present application wherein two phases, a liquid and a solid phase, must be present at the same time in order to produce an optical glass type having superior UV transmission characteristics compared to glass types which are produced according to the method of Rough '138. Accordingly, the teachings of the present method claims are in direct contrast to the disclosure of Rough '138. The novel process of the present application produces a glass product having totally unpredictable properties which results from the key feature of the inventive method.

In view of the remarks set forth above, it is submitted that the Examiner has not met his burden of providing a *prima facie* case of obviousness with respect to independent Claims 24 and 34 and the claims dependent thereon.

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It is requested that the Examiner reconsider and withdraw the rejections of the claims and pass the application to issue. However, if further issues remain and the Examiner believes that it would be advantageous to conduct an interview it is requested that he telephone the undersigned at 260-460-1692.

Respectfully submitted,

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JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

April 4, 2005

Date